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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 09/727,317 | 11/28/2000 | Hawley Knox Rising III | 80398P330 | 2304 |
| 8791 | 7590 | 02/10/2004 | EXAMINER | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025 | | | BECKER, SHAWN M | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2173 | | 7 |
| DATE MAILED: 02/10/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/727,317 | RISING ET AL. |
| | Examiner | Art Unit |
| | Shawn M. Becker | 2173 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u> </u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This action is in response to communication filed 11/28/03.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,282,549 to Hoffert et al. (hereinafter Hoffert) and U.S. Patent No. 6,492,998 to Kim et al. (hereinafter Kim).

Referring to claims 1 and 6-7, Hoffert discloses a storage medium with instructions that perform a method that provides a media description (search queries and mediaX files) comprising a list of KLV (key, length, value) attribute groups, each KLV attribute group comprising a key attribute that identifies a data type, a length attribute that identifies a length for a value attribute, and the value attribute that incorporates further attributes used to instantiate the data type. The search queries in Hoffert are descriptions of media that meets certain criteria; for example, “find me all action packed videos of James Bond from 1967” (col. 8, lines 25-26) describes media of type ‘action packed videos’ (key attribute) with the value attribute configured to reference a plurality of parameters/attributes ‘James Bond’ and ‘1967’, wherein the parameters/attributes are used to instantiate (find and display) the data type that include the value attribute parameters, i.e. action packed videos with James Bond from 1967. See col. 1, line 50 - col. 2, line 9 and col. 7, line 63 - col. 8, line 64. There is also a description of the media in the

mediaX file, which provides a hierarchy of metadata for classifying the media, wherein the classification includes data types and parameters that make up a value attribute for retrieving the media file. See col. 3, line 55 - col. 4, line 8, and col. 8, lines 37-58. The value attribute in both the query and the mediaX file is comprised of electronic data, which inherently consists of a certain number of bytes; therefore Hoffert discloses a length attribute that identifies the length of the value attribute. Therefore, Hoffert discloses a method of describing a media object, wherein the description is reflected in both the query and metadata, in order to instantiate a media object with metadata that meets certain criteria.

It is apparent in Hoffert that the returned media object may be an image related to a sequence of images that meet certain criteria, which is Applicant's definition for a key frame (page 1, lines 16-18 of specification filed 11/28/00). See Hoffert at Fig. 4a, col. 24, lines 1-14, and col. 27, lines 35-50. Therefore, Hoffert seems to imply that the media description may be a key frame description, but Hoffert does not explicitly state that the media description is a key frame description. However, Kim discloses a method of searching video, which is similar to Hoffert. Kim discloses a key frame description that utilizes classes/data types and a hierarchy of parameters (i.e. main location and subordinate objects or relationships). See col. 2, lines 3-7, col. 2, line 47 - col. 3, line 7, and col. 4, lines 20-28. It would have been obvious to one of ordinary skill in the art to combine the method of indexing and retrieving media content of Hoffert with the method of providing key frames in Kim in order to find specific frames (key frames) within a video as described in Kim, which is a more specific use of the method of Hoffert that finds specific media within a larger database of information than a single video.

Hoffert and Kim disclose updating the media object/key frame description (i.e. query) by performing at least one of modifying at least one KLV attribute group by modifying the key or value attribute. See the modified queries in col. 8, lines 20-60 of Hoffert, specifically lines 25-26 and 57-59. Hoffert also discloses a weight value that is attached to at least one KLV attribute group that may be modified. See col. 7, line 19-44. Also, see col. 5, lines 10-50, which describe changing the lexical proximity, which affects the metadata (value) describing the media object/key frame.

Referring to claim 13, Hoffert discloses a processor coupled to a memory with instructions that cause the processor to generate data and access a set of KLV (key, length, value) attribute groups for a media object description each KLV attribute group comprising a key attribute that identifies a data type, a length attribute that identifies a length for a value attribute, and the value attribute that incorporates further attributes used to instantiate the data type. The search queries in Hoffert are descriptions of media that meets certain criteria; for example, “find me all action packed videos of James Bond from 1967” (col. 8, lines 25-26) describes media of type ‘action packed videos’ (key attribute) with the value attribute configured to reference a plurality of parameters/attributes ‘James Bond’ and ‘1967’, wherein the parameters/attributes are used to instantiate (find and display) the data type that include the value attribute parameters, i.e. action packed videos with James Bond from 1967. See col. 1, line 50 - col. 2, line 9 and col. 7, line 63 - col. 8, line 64. There is also a description of the media in the mediaX file, which provides a hierarchy of metadata for classifying the media, wherein the classification includes data types and parameters that are accessed and make up a value attribute for retrieving the media file. See col. 3, line 55 - col. 4, line 8, and col. 8, lines 37-58. The value attribute in both

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the query and the mediaX file is comprised of electronic data, which inherently consists of a certain number of bytes; therefore Hoffert discloses a length attribute that identifies the length of the value attribute. Therefore, Hoffert discloses a method of describing a media object, wherein the description is reflected in both the query and metadata, in order to instantiate a media object with metadata that meets certain criteria.

It is apparent in Hoffert that the returned media object may be an image related to a sequence of images that meet certain criteria, which is Applicant's definition for a key frame (page 1, lines 16-18 of specification filed 11/28/00). See Hoffert at Fig. 4a, col. 24, lines 1-14, and col. 27, lines 35-50. Therefore, Hoffert seems to imply that the media description may be a key frame description, but Hoffert does not explicitly state that the media description is a key frame description. However, Kim discloses a method of searching video, which is similar to Hoffert. Kim discloses a key frame description that utilizes classes/data types and a hierarchy of parameters (i.e. main location and subordinate objects or relationships). See col. 2, lines 3-7, col. 2, line 47 - col. 3, line 7, and col. 4, lines 20-28. It would have been obvious to one of ordinary skill in the art to combine the method of indexing and retrieving media content of Hoffert with the method of providing key frames in Kim in order to find specific frames (key frames) within a video as described in Kim, which is a more specific use of the method of Hoffert that finds specific media within a larger database of information than a single video.

Hoffert and Kim disclose updating the media object/key frame description (i.e. query) as directed by a user. See the modified queries in col. 8, lines 20-60 of Hoffert, specifically lines 25-26 and 57-59. Also, see col. 5, lines 10-50, which describe changing the lexical proximity, which affects the metadata (value) describing the media object/key frame.

Hoffert inherently includes an interconnect coupled to the processor and the memory to allow the data to be transported between the memory and the processor, since the method is carried out in a computer. See claim 1 of Hoffert.

Referring to claims 2, 8, and 14, Hoffert discloses that the describing the KLV attribute groups is in a universally recognizable format. See col. 3, line 55 - col. 4, line 8.

Referring to claims 3, 5, 9-10, and 15, Hoffert and Kim discloses sending a command through the user's keyboard (I/O device) to change one of the key attribute, length attribute, and value attribute of the media object/key frame description. See the modified queries in col. 8, lines 20-60 of Hoffert, which update the further attributes in the value attribute.

Referring to claims 4, 11, and 16, Hoffert assigns a weight value to at least one KLV attribute group. See col. 7, lines 19-44.

Referring to claim 12, at least one of the further attributes is a semantic attribute, (i.e. has a functional meaning). See col. 24, lines 43-57.

Referring to claims 17-19, Hoffert discloses that the further attributes comprise descriptions for the data type. See the queries in col. 8, lines 20-60 wherein the further attributes are descriptions of characters or years, etc. Also, Appendix A, beginning on col. 24, line 36 that describes the mediaX file, which is full of descriptions of the data type.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 6, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Kim's key attribute does not identify a data type, as the term is generally known in the art. However, Applicant's specification never mentions the specific term

data type; therefore, this term is subject to interpretation. The context of Applicant's specification (page 5, line 20-23) describes a key attribute as uniquely identifying "an object/class (e.g. a set of data with similar characteristics). Hoffert clearly shows a key attribute identifying a set of data with similar characteristics, i.e. data with the characteristics "action packed videos", "dramas", "talk shows", etc. in col. 8, lines 20-60. Furthermore, Kim's main objects, i.e. location ("hospital"), are described as a class with subordinate classes such as "corridor", "ward", etc. See col. 4, lines 20-27. Therefore, Kim does describe that the key attribute identifies a class, which is a data type in the traditional sense.

Applicant argues the new limitations added to the length and value attributes and the weighting of the KLV group. Hoffert shows these limitations as described, *supra*.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., modifying a database after it is created) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims make no mention of a database or making changes to a database; instead the claims modify a description, which is not strictly defined in the specification.

Conclusion

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach digitally marking an image in a database.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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